

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Aug 30, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Matthew Edward Baumrucker Case Number: 0980 2:14CR00114-RMP-1
 Address of Offender:
 Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge
 Date of Original Sentence: May 4, 2015
 Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2)
 Original Sentence: Prison - 92 Months; Type of Supervision: Supervised Release
 TSR - 36 Months
 Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: December 11, 2020
 Defense Attorney: Stephen R. Hormel Date Supervision Expires: December 10, 2023

PETITIONING THE COURT**To issue a SUMMONS.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #3:</u> The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two drug tests thereafter, as determined by the Court.
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Supporting Evidence: Mr. Baumrucker is alleged to have violated mandatory condition number 3 by ingesting marijuana on or about August 21, 2021, based on the client's admission of such use.

On December 10, 2020, Mr. Baumrucker's conditions of supervised release specific to 2:14CR00114-RMP-1 were reviewed with him telephonically due to the current and continued COVID-19 pandemic. On January 4, 2021, the signed document was received by the U.S. Probation Office in Spokane. Specifically, Mr. Baumrucker was made aware by the undersigned officer that he was to refrain from any unlawful use of a controlled substance, to include marijuana.

On August 26, 2021, Mr. Baumrucker reported to the U.S. Probation Office in Spokane to submit to urinalysis testing as directed by the undersigned officer. Mr. Baumrucker attempted to submit to urinalysis testing on two separate occasions, but ultimately indicated he was unable to provide a urinalysis sample for testing. Due to the client's ongoing inability to

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submit to urinalysis testing, a sweat patch was applied to the client by the undersigned officer. Following application of the sweat patch, Mr. Baumrucker advised that he had in fact ingested marijuana as previously occurring on or about August 21, 2021, and indicated the sweat patch would likely return as positive for the substance. Mr. Baumrucker also advised that the sample may be positive for methamphetamine, as he believed that the product may have been laced with methamphetamine based on the presence of tinfoil when he ingested the substance.

Mr. Baumrucker has since been referred to random urinalysis testing and will again be directed to return at a later date for sweat patch removal and processing.

- 2 **Special Condition #17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Baumrucker is alleged to have violated special condition number 17 by “stalling” when directed to submit to urinalysis testing by U.S. probation officers on August 16, 18, and 19, 2021, and by providing an inadequate amount of urine for testing on August 17, 2021.

On December 10, 2020, Mr. Baumrucker’s conditions of supervised release specific to 2:14CR00114-RMP-1 were reviewed with him telephonically due to the current and continued COVID-19 pandemic. On January 4, 2021, the signed document was received by the U.S. Probation Office in Spokane. Specifically, Mr. Baumrucker was made aware by the undersigned officer that he was required to submit to urinalysis or sweat patch testing as directed.

Specifically, on August 16, 2021, Mr. Baumrucker was sent a text message and later was called by the undersigned officer with respect to a directive that he submit to random urinalysis testing with the contract provider on the day in question. Mr. Baumrucker committed to doing so. At 7:11 p.m., on the day in question, the undersigned officer received a voice mail from Mr. Baumrucker indicating he had attempted to submit to testing, but was unable to do so. Mr. Baumrucker asked for a “pass” from the undersigned officer.

On August 17, 2021, Mr. Baumrucker was contacted by U.S. Probation Officer Schull and advised that he again needed to submit to testing with the contract provider to address his “stalled” attempt. Mr. Baumrucker committed to doing so. At 6:30 p.m., on the day in question, Officer Schull spoke telephonically to Mr. Baumrucker, who advised that he had supplied some urine but was unable to supply enough. Mr. Baumrucker advised being very dehydrated and he was encouraged by the officer to both go into the facility earlier the next day and to be better hydrated. Mr. Baumrucker was directed to return to the facility on August 18, 2021, for urinalysis testing. Contract staff have since confirmed the information as reported by Mr. Baumrucker.

On August 19, 2021, contract staff contacted Officer Schull and advised that Mr. Baumrucker had again presented at the facility on August 18, 2021, but had again “stalled” when directed to submit to urinalysis testing, after utilizing the full hour to provide a sample. Mr. Baumrucker was again directed by Officer Schull to report back to the facility for testing on August 19, 2021. On August 20, 2021, contract staff again contacted Officer Schull

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advising the client had again utilized the full hour, but had again “stalled” on August 19, 2021, while attempting to submit to urinalysis testing as directed.

On August 24, 2021, the client was contacted telephonically by the undersigned officer with the intent to direct the client to report for urinalysis testing. Mr. Baumrucker advised that his vehicle had been repossessed and he did not have money for the bus and therefore had no ability to depart his current motel room in Airway Heights, Washington.

On August 25, 2021, at 4 p.m., Mr. Baumrucker contacted the undersigned officer telephonically in response to a voice mail left for him by the undersigned officer. Mr. Baumrucker was advised that the undersigned officer would contact him at his newly established motel room in Airway Heights at approximately 6 p.m. for the purpose of collecting a urinalysis sample to which he stated his understanding. Mr. Baumrucker advised he thought that he may have a kidney stone, which was impacting his ability to submit to urinalysis testing; although he declined any desire for medical assistance, despite being encouraged by the undersigned officer. At approximately 6:10 p.m., on August 25, 2021, Mr. Baumrucker was contacted at his residence by the undersigned officer at which time he advised he could not submit to urinalysis testing as directed.

Mr. Baumrucker was provided a 30-day bus pass by the undersigned officer and he committed to reporting to the U.S. Probation Office on August 26, 2021, for urinalysis testing following his reporting to the hospital to both secure needed medical assistance and to acquire verification of his medical condition preventing him from submitting to urinalysis testing.

On August 26, 2021, at approximately 4:10 p.m., Mr. Baumrucker reported as directed and advised he had not had time to travel for medical care as he had to report to see this officer. Mr. Baumrucker attempted to submit to urinalysis testing on two separate occasions, but again proved unable to submit a sample. A sweat patch was subsequently applied to Mr. Baumrucker, following which he admitted to having ingested marijuana as previously occurring on or about August 21, 2021. Mr. Baumrucker stated that his conduct as outlined herein was not related to his identified relapse.

The U.S. Probation Office respectfully recommends the Court **issue a SUMMONS** requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 27, 2021

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

8/29/2021

Date